

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT

State: Maine

ELIGIBILITY CONDITIONS AND REQUIREMENTS

**ORIGINAL**

Citation	Condition or Requirement
A. General Conditions of Eligibility	
Each individual covered under the plan:	
42 CFR Part 435, Subpart G	1. Is financially eligible (using the methods and standards described in Parts B and C of this Attachment) to receive services.
42 CFR Part 435, Subpart F	2. Meets the applicable non-financial eligibility conditions.
	a. For the categorically needy:
	(i) Except as specified under items A.2.a.(ii) and (iii) below, for AFDC-related individuals, meets the non-financial eligibility conditions of the AFDC program.
	(ii) For SSI-related individuals, meets the non-financial criteria of the SSI program or more restrictive SSI-related categorically needy criteria.
1902(l) of the Act	(iii) For financially eligible pregnant women, infants or children covered under sections 1902(a)(10)(A)(i)(IV), 1902(a)(10)(A)(i)(VI), and 1902(a)(10)(A)(ii)(IX) of the Act, meets the non-financial criteria of section 1902(l) of the Act.
1902(m) of the Act	(iv) For financially eligible aged and disabled individuals covered under section 1902(a)(10)(A)(ii)(X) of the Act, meets the non-financial criteria of section 1902(m) of the Act.

TN No. 91-14  
Supersedes  
TN No. 87-06

Approval Date MAR 26 1992 Effective Date OCT 01 1991

HCFA ID: 7985E

Revision: HCFA-PM-91-4 (BPD)  
1991

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	b. For the medically needy, meets the non-financial eligibility conditions of 42 CFR Part 435.
1905(p) of the Act	c. For financially eligible qualified Medicare beneficiaries covered under section 1902(a)(10)(E)(i) of the Act, meets the non-financial criteria of section 1905(p) of the Act.
1905(s) of the Act	d. For financially eligible qualified disabled and working individuals covered under section 1902(a)(10)(E)(ii) of the Act, meets the non-financial criteria of section 1905(s).
42 CFR 435.402	3. Is residing in the United States and-- a. Is a citizen;
Sec. 245A of the Immigration and Nationality Act	b. Is an alien lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law, as defined in 42 CFR 435.408;
1902(a) and 1903(v) of the Act and 245A(h)(3)(B) of the Immigration and Nationality Act	c. Is an alien granted lawful temporary resident status under section 245A and 210A of the Immigration and Nationality Act if the individual is aged, blind, or disabled as defined in section 1614(a)(1) of the Act, under 18 years of age or a Cuban/Haitian entrant as defined in section 501(e)(1) and (2)(A) of P.L. 96-422;

Rev. No. 91-14  
Supersedes  
Rev. No. 91-04

Approval Date MAR 26 1992

Effective Date OCT 01 1991

Revision: HCFA-PM-91-4 (BPD)  
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d. Is an alien granted lawful temporary resident status under section 210 of the Immigration and Nationality Act not within the scope of c. above (coverage must be restricted to certain emergency services during the five-year period beginning on the date the alien was granted such status); or

e. Is an alien who is not lawfully admitted for permanent residence or otherwise permanently residing in the United States under color of law (coverage must be restricted to certain emergency services).

42 CFR 435.403  
1902(b) of the  
it

4. ☒ Is a resident of the State, regardless of whether or not the individual maintains the residence permanently or maintains it at a fixed address.

☐ State has interstate residency agreement with the following States:

☐ State has open agreement(s).

☐ Not applicable; no residency requirement.

HCFA No. 91-14  
Supersedes  
HCFA No. 87-06

Approval Date MAR 26 1992

Effective Date OCT 01 1991

Division: HCFA-PM-91-4 (BPD)  
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Citation	Condition or Requirement	OFFICIAL
435.1008	5. a. Is not an inmate of a public institution. Public institutions do not include medical institutions, nursing facilities, intermediate care facilities for the mentally retarded, or publicly operated community residences that serve no more than 16 residents, or certain child care institutions.	
42 CFR 435.1008 1905(a) of the Act	b. Is not a patient under age 65 in an institution for mental diseases except as an inpatient under age 22 receiving active treatment in an accredited psychiatric facility or program.	
	<input type="checkbox"/> Not applicable with respect to individuals under age 22 in psychiatric facilities or programs. Such services are not provided under the plan.	
433.145 435.604 1912 of the Act	6. Is required, as a condition of eligibility, to assign rights to medical support and to payments for medical care from any third party, to cooperate in obtaining such support and payments, and to cooperate in identifying and providing information to assist in pursuing any liable third party. The assignment of rights obtained from an applicant or recipient is effective only for services that are reimbursed by Medicaid. The requirements of 42 CFR 433.146 through 433.148 are met.	
	<input checked="" type="checkbox"/> Assignment of rights is automatic because of State law.	
42 CFR 435.910	7. Is required, as a condition of eligibility, to furnish his/her social security account number (or numbers, if he/she has more than one number), except for aliens seeking medical assistance for the treatment of an emergency medical condition under section 1903(v)(2) of the Act [section 1137(f)].	

File No. 91-14  
Supersedes  
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Approval Date MAR 26 1992

Effective Date OCT 01 1991

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1902(c)(2)	8. Is not required to apply for AFDC benefits under title IV-A as a condition of applying for, or receiving, Medicaid if the individual is a pregnant woman, infant, or child that the State elects to cover under sections 1902(a)(10)(A)(i)(IV) and 1902(a)(10)(A)(ii)(IX) of the Act.
1902(e)(10)(A) and (B) of the Act	9. Is not required, as an individual child or pregnant woman, to meet requirements under section 402(a)(43) of the Act to be in certain living arrangements. (Prior to terminating AFDC individuals who do not meet such requirements under a State's AFDC plan, the agency determines if they are otherwise eligible under the State's Medicaid plan.)

TN No. 91-14  
Supersedes  
TN No. \_\_\_\_\_

Approval Date MAR 26 1992

Effective Date OCT 01 1991

HCFA ID: 7985E

Revision: HCFA-PM-91-8 (MB)  
October 1991

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Citation	Condition or Requirement
1906 of the Act	10. Is required to apply for enrollment in an employer-based cost-effective group health plan, if such plan is available to the individual. Enrollment is a condition of eligibility except for the individual who is unable to enroll on his/her own behalf (failure of a parent to enroll a child does not affect a child's eligibility).

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TN No. 92-12  
Supersedes

Approval Date

FEB 18 1993

Effective Date

OCT 1 1992

TN No. —

HCFA ID: 7985E

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State: Maine

Citation	Condition or Requirement
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B. Posteligibility Treatment of Institutionalized Individuals' Incomes

1. The following items are not considered in the posteligibility process:

- |                           |                                                                                                                                                                                                               |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1902(o) of the Act        | a. SSI and SSP benefits paid under §1611(e)(1)(E) and (G) of the Act to individuals who receive care in a hospital, nursing home, SNF, or ICF.                                                                |
| Bondi v<br>Sullivan (SSI) | b. Austrian Reparation Payments (pension (reparation) payments made under §500 - 506 of Austrian General Social Insurance Act.) Applies only if State follows SSI program rules with respect to the payments. |
| 1902(r)(1) of the Act     | c. German Reparations Payments (reparation payments made by the Federal Republic of Germany).                                                                                                                 |
| 105/206 of P.L. 100-383   | d. Japanese and Aleutian Restitution Payments.                                                                                                                                                                |
| 1.(a) of P.L. 103-286     | e. Netherlands Reparation Payments based on Nazi, but not Japanese, persecution (during World War II).                                                                                                        |
| 10405 of P.L. 101-239     | f. Payments from the Agent Orange Settlement Fund or any other fund established pursuant to the settlement in the In re Agent Orange product liability litigation, M.D.L. No. 381 (E.D.N.Y.)                  |
| 6(h)(2) of P.L. 101-426   | g. Radiation Exposure Compensation.                                                                                                                                                                           |
| 12005 of P.L. 103-66      | h. VA pensions limited to \$90 per month under 38 U.S.C. 5503.                                                                                                                                                |

TN No. 98-003

Supersedes

TN No. \_\_\_\_\_

Approval Date: 5/7/99

Effective Date: 1/1/98

State: Maine

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1924 of the Act  
435.725  
435.733  
435.832

2. The following monthly amounts for personal needs are deducted from total monthly income in the application of an institutionalized individual's or couple's income to the cost of institutionalized care:

Personal Needs Allowance (PNA) of not less than \$30 For Individuals and \$60 For Couples For All Institutionalized Persons.

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- a. Aged, blind, disabled:  
Individuals \$40.00  
Couples \$80.00

For the following persons with greater need:

Supplement 12 to Attachment 2.6-A describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and, where appropriate, identifies the organizational unit which determines that a criterion is met.

- b. AFDC related:  
Children \$40.00  
Adults \$40.00

For the following persons with greater need:

Supplement 12 to Attachment 2.6-A describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and, where appropriate, identifies the organizational unit which determines that a criterion is met.

- c. Individual under age 21 covered in the plan as specified in Item B.7. of Attachment 2.2-A. \$40.00.

TN No. 98-003

Supersedes

Approval Date: 5/7/99

Effective Date: 1/1/98

TN No. \_\_\_\_\_



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For the following persons with greater need:

Supplement 12 to Attachment 2.6-A describes the greater need; describes the basis or formula for determining the deductible amount when a specific amount is not listed above; lists the criteria to be met; and, where appropriate, identifies the organizational unit which determines that a criterion is met.

- 1924 of the Act
3. In addition to the amounts under item 2., the following monthly amounts are deducted from the remaining income of an insitutionalized individual with a community spouse:
- a. The monthly income allowance for the community spouse, calculated using the formula in §1924(d)(2), is the amount by which the maintenance needs standard exceeds the community spouse's income. The maintenance needs standard cannot exceed the maximum prescribed in §1924(d)(3)(C). The maintenance needs standard consists of a poverty level component plus an excess shelter allowance.
- X The poverty level component is calculated using the applicable percentage (set out §1924(d)(3)(B) of the Act) of the official poverty level.
- \_\_\_ The poverty level component is calculated using a percentage greater than the applicable percentage, equal to
- \_\_\_ %, of the official poverty level  
(still subject to maximum maintenance needs standard).
- X The maintenance needs standard for all community spouses is set at the maximum permitted by §1924(d)(3)(C).
- Except that, when applicable, the State will set the community spouse's monthly income allowance at the amount by which exceptional maintenance needs, established at a fair hearing, exceed the community spouse's income, or at the amount of any court-ordered support.

TN No. 98-003

Supersedes

TN No. \_\_\_\_\_

Approval Date: 5/7/99

Effective Date: 1/1/98

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In determining any excess shelter allowance, utility expenses are calculated using:

☒ the standard utility allowance under §5(e) of the Food Stamp Act of 1977; or

☐ the actual unreimbursable amount of the community spouse's utility expenses less any portion of such amount included in condominium or cooperative charges.

b. The monthly income allowance for other dependent family members living with the community spouse is:

☒ one-third of the amount by which the poverty level component (calculated under §1924(d)(3)(A)(i) of the Act, using the applicable percentage specified in §1924(d)(3)(B)) exceeds the dependent family member's monthly income.

☐ a greater amount calculated as follows:

The following definition is used in lieu of the definition provided by the Secretary to determine the dependency of family members under §1924(d)(1):

c. Amounts for health care expenses described below that are incurred by and for the institutionalized individual and are not subject to payments by a third party:

(i) Medicaid, Medicare, and other health insurance premiums, deductibles, or coinsurance charges, or copayments.

(ii) Necessary medical or remedial care recognized under State law but not covered under the State plan. (Reasonable limits on the amounts are described in Supplement 3 to Attachment 2.6-A.)

TN No. 98-003

Supersedes

TN No. \_\_\_\_\_

Approval Date: 5/7/99

Effective Date: 1/1/98